

**Notice of Allowability**

Application No.

10/755,719

Examiner

Zoila E. Cabrera

Applicant(s)

HAVENER, JOHN P.

Art Unit

2125

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/1/05.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 12 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/25/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 7/8/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory M. Howison on July 8, 2005.

The application has been amended as follows:

Claim 1, line 10, delete "**the** associated condition" and insert - - an associated condition - -.

Claim 1, line 11, delete "**a** the" and insert - - the - -.

Claim 1, line 12, delete "**the** associated setpoint" and insert - - an associated setpoint - -.

Claim 1, line 18, delete "**the** suggested" and insert - - a suggested - -

Claim 2, line 2, delete "suggested actions" and insert - - suggested setpoints - -.

Claim 2, line 3, delete "to the operator suggested" and insert - - suggested to the operator - -.

Claim 3, line 3, delete "its" and insert - - the associated - -.

Claim 8, line 1, delete "plant" and insert - - system - -.

***Allowable Subject Matter***

2. Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance: The allowability of the claims resides, at least in part, that the closest prior art of record **Lipner et al. (US 4,815,014)** does not disclose or suggest, alone or in combination the step of:

Regarding independent claim 1, **each of the transforms has embedded therein intuitive actions taken by actual operators of the system to provide setpoints for an associated condition, and wherein each of the transforms is operable to determine if the predetermined and associated condition exists in the system, which would warrant an associated setpoint being set; processing the measured select operating parameters through the associated transforms to determine for each of the transforms if the associated condition is present; and providing to the operator an indication that the condition associated with any of the transforms is present and for which transform; and suggesting to the operator the setpoint to be set for the associated indication and a suggested value thereof, in combination with the other elements and features of the claimed invention.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 2723749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

A handwritten signature in black ink, appearing to read 'Zoila', with a large, stylized circular flourish above it.

Zoila Cabrera  
Patent Examiner  
July 8, 2005